



PCT
JC05 Rec'd POT/PTO 25 FEB 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James Alun Wynne Morgan, et al. Art Unit :
Serial No. : 09/889,874 Examiner :
Filed : July 23, 2001
Title : BIOLOGICAL CONTROL OF NEMATODES

Box PCT

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO NOTICE OF INCOMPLETE RESPONSE

In response to the Notice of Defective Response mailed January 18, 2002 (copy enclosed), and pursuant to 37 CFR §§1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice. The response was deemed incomplete because a Sequence Listing was not submitted in the application. However, Applicants submitted the appropriate Sequence Listing on January 16, 2002, and it is believed that the submission of this Sequence Listing crossed in the mail with this Notice. Applicants enclose a complete paper copy of the submission of the Sequence Listing.

The Notice of Defective Response also requests that Applicants submit additional claims fees of \$262. for a large entity. Applicants submit that they are entitled to small entity status under 37 CFR 1.27. On July 24, 2001, Applicants requested a refund in the application fee (which was paid in error as a large entity) and claimed small entity status for this application. A complete copy of the Request for Refund is enclosed.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

February 4, 2002
Date of Deposit

Carrie A. Amonte
Signature

Carrie A. Amonte
Typed or Printed Name of Person Signing Certificate

Applicant : James Alun Wynne Morgan, et al.
Serial No. : 09/889,874
Filed : July 23, 2001
Page : 2

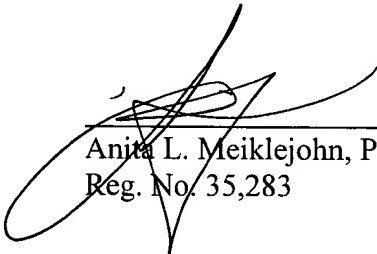
Attorney's Docket No.: 13384-002001

Applicants submit that the Response was complete and timely filed, that the appropriate fees were paid, and requests that the Notice be withdrawn.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 4 FEB 2002



Anita L. Meiklejohn, Ph.D.
Reg. No. 35,283

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20382474.doc



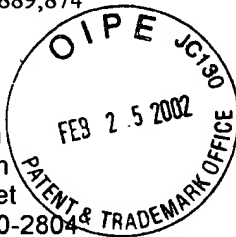
UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Not PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889,874	James Alan Morgan	13384-002001

INTERNATIONAL APPLICATION NO.	
PCT/GB00/00219	
IA FILING DATE	PRIORITY DATE
01/24/2000	01/22/1999

Timothy A French
Fish & Richardson
225 Franklin Street
Boston, MA 02110-2804



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FISH & RICHARDSON, P.C.
BOSTON OFFICE

CONFIRMATION NO. 1385

371 FORMALITIES LETTER



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Date Mailed: 01/18/2002

MAY 03 2002

NOTIFICATION OF DEFECTIVE RESPONSE

TECH CENTER 1600/2900

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination
- Small Entity Statement

Docketed By Practice Systems	
Action Code:	Missing Requirements
Base Date:	2-30-01
Due Date:	10-30-01
Deadline:	2-28-02
Initial:	JMS

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or

Docketed By Billing Secretariat	
Due Date:	
Deadline:	2-28-02
Initials:	JMS



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PC1
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889874	MORGAN	J 13384-002001
INTERNATIONAL APPLICATION NO.		

TIMOTHY A FRENCH
FISH & RICHARDSON
225 FRANKLIN STREET
BOSTON, MA 02110 2804Docketed By Practice Systems
Action Code: 52213-DM
Base Date: 8-30-01
Due Date: 10-30-01
Deadline: 2-28-02
Initial: JMB

PCT/GB00/00219

I.A. FILING DATE	PRIORITY DATE
24 JAN 00	22 JAN 99
DATE MAILED: 30 AUG 2001	

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☒ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: _____

APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

patin3help@uspto.gov

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of six months.

Additionally the following defects have been observed:

- Additional claim fees of **\$262** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$262** for a Large Entity:

- Total additional claim fee(s) for this application is **\$262**
 - **\$117** for 13 total claims over 20.
 - **\$145** for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

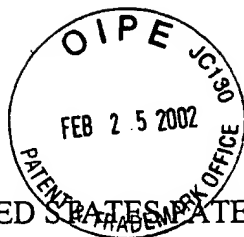
*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/889,874	PCT/GB00/00219	13384-002001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James Alan Wynne Morgan, et al. Art Unit : Unknown
PCT Appln. No.: PCT/GB00/00219 Examiner : Unknown
PCT Filing Date: 24 January 2000
Title : BIOLOGICAL CONTROL OF NEMATODES

Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR REFUND

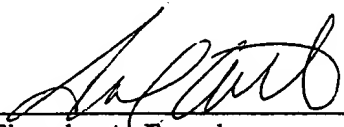
On July 23, 2001, Applicants paid the required fees for filing of a PCT/U.S. National patent application by way of an enclosed check (copy of complete filing enclosed).

We have now realized that the above applicant is entitled to small entity status and request a refund of \$601.00.

Accordingly, applicants respectfully request that the overcharge amount be refunded to Fish & Richardson's Deposit Account No. 06-1050 as a credit.

Respectfully submitted,

Date: July 24, 2001


Timothy A. French
Reg. No. 30,175

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

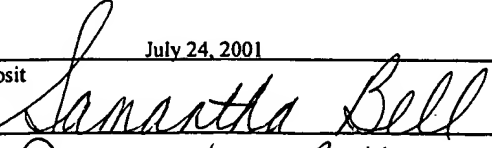
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CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL 856746603US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit July 24, 2001

Signature 

Typed or Printed Name of Person Signing Certificate Samantha Bell



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EL 856746603US

PATENT
ATTORNEY DOCKET NO.: 13384-002001

The Patent and Trademark Office date stamp sets forth the date of receipt of:

Applicant or Patentee James Alan Wynne Morgan et al
No. (Application, Appeal, Interference, Patent, Reexam) PC1/GB00/00219
Filing or Issue Date 24 January 2000
Title: BIOLOGICAL CONTROL OF NEMATODES

- ☒ Transmittal Letter (2 Copies) ☐ With Pet. for Ext.
☐ Assignment ☐ Status Inquiry
☐ Amendment/Response _____ Pages ☐ Declaration
☐ Maintenance Fee ☐ Request Certificate of Correction
☐ Check \$ _____ ☐ Notice of Appeal
☐ Deposit Account Order Form (2 Copies) ☐ Appeal Brief (3 Copies) _____ Pages
☐ Issue Fee ☐ Request Patent Copies ☐ Petition for Extension Time
☐ Information Disclosure Statement
☐ PTO 1449 Form- _____ Pages
☐ Prior Art References-Number of References _____
☐ Drawings _____ Sheets Formal _____ Sheets Informal _____ Sheets Amended
☐ Notice of Missing Parts
☐ Combined Declaration and Power of Attorney
☐ Small Entity Statement
☒ Other Request for Refund

Atty/Sec. TAF Client/
Initials _____ Matter Name Marks&Clerk/Nematodes Date 07/24/2001

FEB 25 2002

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER
13384-002001

U.S. APPLICATION NO. (If Known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.
PCT/GB00/00219

INTERNATIONAL FILING DATE
24 January 2000

PRIORITY DATE CLAIMED
22 January 1999

TITLE OF INVENTION
BIOLOGICAL CONTROL OF NEMATODES

APPLICANT(S) FOR DO/EO/US

James Alan Wynne Morgan, Paul Jarrett, Debbie Ellis and Margaret Anne Ousley

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern other documents or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 - ☒ Request for Refund
 - ☐
 - ☐
 - ☐
 - ☐

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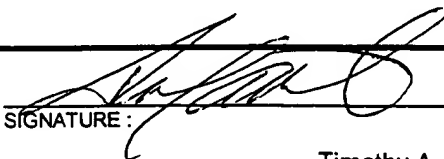
Date of Deposit

July 24, 2001

Signature

Samantha Bell Samantha Bell

Typed Name of Person Signing

U.S. APPLICATION NO. (IF KNOWN)		INTERNATIONAL APPLICATION NO. PCT/GB00/00219		ATTORNEY'S DOCKET NUMBER 13384-002001	
17. <input type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1000 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$710 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$690 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4)..... \$100 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS PTO USE ONLY	
Surcharge of \$130 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =		x \$18	\$0.00	
Independent Claims	- 3 =		x \$80	\$0.00	
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			+ \$270	\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$0.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$0.00	
SUBTOTAL =				\$0.00	
Processing fee of \$130 for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f))				\$0.00	
TOTAL NATIONAL FEE =				\$0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$0.00	
TOTAL FEES ENCLOSED =				\$0.00	
				Amount to be refunded:	\$601.00
				Charged:	\$
a. <input type="checkbox"/> A check in the amount of \$0.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 06-1050 in the amount of \$0.00 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1050. A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Timothy A. French FISH & RICHARDSON P.C. 225 Franklin Street Boston, MA 02110-2804 (617) 542-5070 phone (617) 542-8906 facsimile			 SIGNATURE:		
			NAME Timothy A. French		
			REGISTRATION NUMBER 30,175		



Alm/Jhp

PATENT
Attorney's Docket No.: 13384-002001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Alun Wynne Morgan, et al.
Serial No.: 09/889,874
Filed: July 23, 2001
Title: BIOLOGICAL CONTROL OF NEMATODES

BOX PCT

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Washington, DC 20231

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DECLARATION OF MAILING BY "EXPRESS MAIL"

declares as follows:

1. I reside at:
LEROY JENKINS
47 SCHOOL STREET
ROXBURY, MA 02119

COPY

and am an employee of:

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804



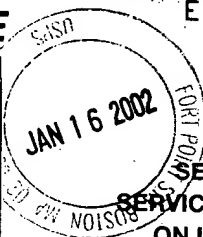
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TO ADDRESSEE



EL 940866331 US

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PO ZIP Code 02205	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In 1/16/02	Time In 11:50 AM	Postage \$ 16.25
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PHONE (617) 542-5070

TO: (PLEASE PRINT)
COMMISSIONER FOR PATENTS
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WASHINGTON DC 20231-0001

13384-002001 / Alm/Jhp





PATENT

ATTORNEY DOCKET NO.: 13384-002001

The Patent and Trademark Office date stamp sets forth the date of receipt of:

Applicant or Patentee James Alun Wynne Morgan et al.No. (Application, Appeal, Interference, Patent, Reexam) 09/889,874Filing or Issue Date July 23, 2001Title: BIOLOGICAL CONTROL OF NEMATODES

- ☐ Transmittal Letter (2 Copies) ☐ With Pet. for Ext.
☐ Assignment ☐ Status Inquiry
☒ Amendment/Response 3 Pages ☐ Declaration
☐ Maintenance Fee ☐ Request Certificate of Correction
☐ Check \$ ☐ Notice of Appeal
☐ Deposit Account Order Form (2 Copies) ☐ Appeal Brief (3 Copies) Pages
☐ Issue Fee ☐ Request Patent Copies ☒ Petition for Extension Time (3-mo.)
☐ Information Disclosure Statement
☐ PTO 1449 Form- Pages
☐ Prior Art References-Number of References Pages
☐ Drawings Sheets Formal Sheets Informal Sheets Amended
☒ Notice of Missing Parts to comply w/ Sequence Rules
☐ Combined Declaration and Power of Attorney
☐ Small Entity Statement
☒ Other Verified Stmt; Sequence Listing-paper + disk

Atty/Sec. ALM Client/Initials jwp Matter Name Hort. Research / Marks' Clerks Date 1-16-02

FR FISH & RICHARDSON P.C.

225 Franklin Street
Boston, Massachusetts
02110-2804

C

140834

PAY

Four Hundred Sixty

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TO THE ORDER OF

COMMISSIONER OF PATENTS AND TRADEMARKS

DATE

AMOUNT

1/16/02 460.
FISH & RICHARDSON P.C.

52-153/112

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www.fleet.com
South Portland, ME

BY

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13384-002001 JHP

⑈ 140834 ⑈ ⑈ 011201539⑈ 80 071 123⑈